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December 19, 2022

**Via ECF**

The Honorable John G. Koeltl  
United States District Judge  
500 Pearl Street  
United States Courthouse, Courtroom 14A  
New York, NY 10007

**Re: *Grant et al. v. Trump et al.*, Case No. 1:20-cv-07103-JGK**

Dear Judge Koeltl:

This firm represents plaintiffs Edmond Grant p/k/a “Eddy Grant”, Greenheart Music Limited, a United Kingdom Limited Company, and Greenheart Music Limited, an Antigua and Barbuda Limited Company (“Plaintiffs”) in the above-referenced action against defendants Donald J. Trump (“Trump”) and Donald J. Trump For President, Inc. (the “Company,” and together with Trump, “Defendants”). We write pursuant to Your Honor’s Individual Practices Rule I.B. and Local Civil Rule 37.2 to request a conference with the Court or permission to file a motion to compel by way of order to show cause to compel the deposition of non-party Dan Scavino.

On October 6, 2022 the Court granted Plaintiffs an extension of the discovery schedule to December 30, 2022 to depose Mr. Scavino.<sup>1</sup> At the time, Mr. Scavino’s counsel, Mr. Stanley Woodward, represented to Plaintiffs that due to his own schedule, including a multi-week trial, and the schedule of Mr. Scavino, additional time was necessary to schedule the deposition or determine if there were grounds to move to quash.

On October 27, 2022, we were contacted by Mr. Woodward’s office and told that Mr. Woodward was in a serious accident but that he would be reaching out to discuss the deposition in the coming weeks. Plaintiffs attempted to reach Mr. Woodward on November 15 and November 17, and were told that he was concluding an 8 week jury trial and would touch base the following week. We reached out to Mr. Woodward’s office on December 1 and again December 8 to try and schedule the deposition and spoke to Mr. Woodward on December 8, at which time he made vague

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<sup>1</sup> Mr. Scavino’s deposition was sought following Defendants’ disclosure for the first time on August 18, 2022 that the Company dissolved in October 2021 and could not produce a corporate representative for a deposition. It has been reported that Mr. Scavino played a role in the Company’s social media efforts and prepared social media messaging for Mr. Trump personally.

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claims of executive privilege. Mr. Woodward indicated that he would move to quash the subpoena by no later than December 12, 2022. Plaintiffs contacted Mr. Woodward's office again on December 12 and December 14 to inquire about the motion and indicated that if a motion was not filed immediately Plaintiffs would need to move to compel based on the existing discovery deadlines. As of the filing of this letter Mr. Scavino has not moved to quash the subpoena, although this morning we were informed that Mr. Scavino was purportedly hiring local counsel and preparing to file his motion.

On its face, Mr. Scavino's claim of executive privilege is without merit. Plaintiffs intend to depose Mr. Scavino about his role in authoring tweets promoting the Trump campaign for re-election and in particular the infringing tweet at the center of this litigation. The tweet was not made for any executive purpose, but instead was entirely campaign related. Importantly, Mr. Trump was deposed in this action and did not object to answering questions about the tweet.

Plaintiffs request a conference with the Court and Mr. Scavino's counsel or, in the alternative, permission to file an order to show cause to compel Mr. Scavino's deposition. Plaintiffs also seek a 30 day extension of the fact discovery deadline to schedule Mr. Scavino's deposition.

We thank the Court for its attention to this matter.

Respectfully submitted,

s/ Brett Van Benthysen  
Brett Van Benthysen

cc: Counsel of Record  
Stanley Woodward, Esq. (via email)